

118TH CONGRESS
2D SESSION

S. 4736

To amend the Older Americans Act of 1965 to develop and expand integrated caregiver support services for family caregivers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2024

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Older Americans Act of 1965 to develop and expand integrated caregiver support services for family caregivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respite Care And Re-
5 sources for Everyone Act” or the “Respite CARE Act”.

6 **SEC. 2. CAREGIVER SUPPORT.**

7 Title IV of the Older Americans Act of 1965 is
8 amended by inserting after section 414 (42 U.S.C. 3032c)
9 the following:

1 **“SEC. 415. CAREGIVER SUPPORT.**

2 “(a) GRANTS.—The Assistant Secretary may make
3 grants to eligible entities for the development or expansion
4 of integrated caregiver support services, through which a
5 provider provides, at the same time and integrated setting,
6 respite care to assist family caregivers and other sup-
7 portive services or support services described in section
8 373(b) for family caregivers.

9 “(b) ELIGIBLE ENTITY.—To be eligible to receive a
10 grant under subsection (a), an entity shall be a State or
11 local government agency, a nonprofit organization, an area
12 agency on aging, the provider of a multipurpose senior
13 center, an institution of higher education, or a Tribal or-
14 ganization.

15 “(c) APPLICATION.—To be eligible to receive a grant
16 under subsection (a), an entity shall submit an application
17 to the Assistant Secretary at such time, in such manner,
18 and containing such information as the Assistant Sec-
19 retary may require.

20 “(d) USE OF FUNDS.—An eligible entity receiving a
21 grant under subsection (a) shall use the grant funds, con-
22 sistent with subsection (e)—

23 “(1) to develop or expand integrated caregiver
24 support services in order to provide respite care at
25 the same time and integrated setting as supportive

1 services or support services described in section
 2 373(b) for family caregivers; and

3 “(2) to provide services described in paragraph
 4 (1) in a manner that is accessible, as appropriate for
 5 the family caregiver or the care recipient, as the case
 6 may be, including providing the services—

7 “(A) through assistive technology;

8 “(B) in an accessible language;

9 “(C) for caregivers for whom English is
 10 not their primary language, through translation
 11 or interpretation services; and

12 “(D) in an accessible format, including for-
 13 mats compatible with American Sign Language
 14 and multiple languages.

15 “(e) DIRECT OR INDIRECT PROVISION.—An eligible
 16 entity receiving such a grant may use the grant funds di-
 17 rectly, or indirectly by contract with a health care provider
 18 or child care provider, to provide respite care.

19 “(f) DEFINITIONS.—In this section:

20 “(1) CAREGIVER SUPPORT SERVICES.—The
 21 term ‘caregiver support services’ means services,
 22 provided for a family caregiver, that are—

23 “(A) supportive services; or

24 “(B) support services described in section
 25 373(b).

1 “(2) CHILD CARE PROVIDER.—

2 “(A) IN GENERAL.—The term ‘child care
3 provider’ means a center-based child care pro-
4 vider, a family child care provider, or other pro-
5 vider of child care services for compensation
6 that—

7 “(i) is licensed to provide child care
8 services under State law applicable to the
9 child care services it provides or, in the
10 case of an Indian Tribe or Tribal organiza-
11 tion, meets the rules set by the Secretary
12 of Health and Human Services;

13 “(ii) participates in the State’s tiered
14 system for recognizing and supporting the
15 quality of child care services, or, in the
16 case of an Indian Tribe or Tribal organiza-
17 tion, meets the rules set by the Secretary,
18 on such schedule as the Secretary may
19 provide; and

20 “(iii) satisfies the State and local re-
21 quirements, including those requirements
22 described in section 658E(c)(2)(I) of the
23 Child Care and Development Block Grant
24 Act of 1990 (42 U.S.C. 9858c(c)(2)(I)),

1 applicable to the child care services it pro-
2 vides.

3 “(B) FAMILY CHILD CARE PROVIDER.—In
4 subparagraph (A), the term ‘family child care
5 provider’ means one or more individuals who
6 provide child care services, in a private resi-
7 dence other than the residences of the children
8 involved, for less than 24 hours per day per
9 child, or for 24 hours per day per child due to
10 the nature of the work of the parent involved.

11 “(3) FAMILY CAREGIVER.—The term ‘family
12 caregiver’—

13 “(A) means—

14 “(i) an adult family member, or an-
15 other individual, who is an informal pro-
16 vider of in-home and community care to an
17 older individual or to an individual of any
18 age with Alzheimer’s disease or a related
19 disorder with neurological and organic
20 brain dysfunction; or

21 “(ii) an older relative caregiver; and

22 “(B) does not include an individual pro-
23 viding care whose primary relationship with the
24 individual receiving the care is based on a fi-
25 nancial or professional agreement.

1 “(4) HEALTH CARE PROVIDER.—The term
 2 ‘health care provider’ means a health care provider,
 3 as defined in section 3000 of the Public Health
 4 Service Act (42 U.S.C. 300jj) or a Federally quali-
 5 fied health center, as defined in section 1861 of the
 6 Social Security Act (42 U.S.C. 1395x).

7 “(5) INDIAN TRIBE, TRIBAL ORGANIZATION.—
 8 The terms ‘Indian Tribe’ and ‘Tribal organization’
 9 have the meanings given the terms ‘Indian tribe’ and
 10 ‘tribal organization’, respectively, in section 658P of
 11 such Act (42 U.S.C. 9858n).

12 “(6) OLDER RELATIVE CAREGIVER.—The term
 13 ‘older relative caregiver’—

14 “(A) means a caregiver who—

15 “(i) is age 55 or older; and

16 “(ii) lives with, is the informal pro-
 17 vider of in-home and community care to,
 18 and is the primary caregiver for, a child or
 19 an individual with a disability;

20 “(B) in the case of a caregiver for a
 21 child—

22 “(i) is the grandparent,
 23 stepgrandparent, or other relative (other
 24 than the parent) by blood, marriage, or
 25 adoption, of the child;

1 “(ii) is the primary caregiver of the
2 child because the biological or adoptive
3 parents are unable or unwilling to serve as
4 the primary caregivers of the child; and

5 “(iii) has a legal relationship to the
6 child, such as legal custody, adoption, or
7 guardianship, or is raising the child infor-
8 mally; and

9 “(C) in the case of a caregiver for an indi-
10 vidual with a disability, is the parent, grand-
11 parent, or other relative by blood, marriage, or
12 adoption, of the individual with a disability.

13 “(7) RESPITE CARE.—The term ‘respite care’
14 means care, which may include health care and child
15 care, for a care recipient of a family caregiver.”.

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